

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KHANH M. LE,

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFF J.
BARBALE #0374, COUNTY OF
SACRAMENTO OFFICE OF THE
PUBLIC DEFENDER ERIC HANDLER,

Defendants.

CASE NO. C13-694MJP

ORDER DISMISSING DEFENDANT
ERIC HANDLER

This matter comes before the Court on the motion to dismiss filed by Defendant Eric Handler. (Dkt. No. 17.) Having reviewed the motion and the remaining record, the Court hereby GRANTS Defendant Handler's motion and orders that Defendant Handler is DISMISSED from this action.

Proceedings in this Court are governed by this district's local rules. See Local Rules W.D. Wash. Local Rule LCR 7(b) describes the requirements for parties to a case when a motion is filed. Id. Specifically, LCR 7(b)(2) explains that a party opposing a motion must file a brief in


1 opposition to the motion, and that the failure to file papers in opposition to the motion “may be
2 considered the by the court as an admission that the motion has merit.” LCR 7(b)(2).

3 Here, Defendant Handler’s motion was filed on June 19, 2013. Pursuant to Local Rule
4 7(d)(3), Plaintiff’s opposition brief was due on Monday, July 8, 2013. Nothing was filed before
5 that date. The material that Plaintiff did file—his 71-page prearbitration of July 10, 2013 (Dkt. No.
6 20)—fails to include any argument opposing Defendant Handler’s motion to dismiss for lack of
7 personal jurisdiction and failure to state a claim, and therefore does not meet the requirements of
8 LCR 7(b)(1).

9 Pursuant to LCR 7(b)(2), the Court considers Plaintiff’s failure to oppose Defendant
10 Handler’s motion as an admission that the motion has merit, and therefore GRANTS the motion.
11 Defendant Handler is DISMISSED from this action.

12 The clerk is ordered to provide copies of this order to all counsel.

13 Dated this 1st day of August, 2013.

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17 Marsha J. Pechman
United States District Judge
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